

97th CML Annual Conference

June 18–21, 2019 • Breckenridge, CO

The Role of Municipal Courts
June 20, 2019 at 8:30 a.m.

Linda P. Cooke, Presiding Judge, Boulder Municipal Court
Meghan Dollar, Colorado Municipal League



COLORADO MUNICIPAL LEAGUE

Contents of this presentation reflects the view of the presenter, not of CML.



The Role of Municipal Courts




Linda P. Cooke, Presiding Judge,
Boulder Municipal Court, Colorado

Meghan Dollar
Colorado Municipal League

Overview


- Municipal courts in context
- Common characteristics
- The role of municipal courts locally and nationally
- Key processes
- Challenges
- Opportunities

Three Branches of Local Government . . . and their roles with respect to local laws




Legislative Branch
City Council, Town Board, etc.

Enacts laws that implement policy re: social problems



Executive Branch
City Manager, Mayor, etc.

Enforces laws through the work of police, prosecutors



Judicial Branch
Judge(s)

Adjudicates cases involving alleged violations of the law

Types of Courts¹

Limited Jurisdiction Trial Courts	General Jurisdiction Trial Courts	Appellate Courts
<ol style="list-style-type: none"> 1. Traffic cases 2. Misdemeanor criminal cases 3. Low level civil cases including non-criminal code violations 4. Some specialty courts 	<p style="font-size: 8px;">Felony criminal cases</p> <p style="font-size: 8px;">Most civil cases</p> <p style="font-size: 8px;">Includes traffic & misdemeanor cases in 4 states (CA, IA, IL, MN)</p> <p style="font-size: 8px;">Often the appellate court for limited jurisdiction courts</p>	<p style="font-size: 8px;">Review judicial rulings from trial courts</p> <p style="font-size: 8px;">Usually two levels</p> <p style="font-size: 8px;">Review by highest level court is discretionary</p>

Limited jurisdiction trial courts

Embedded in and funded by local government

Types of cases, penalties depend on state and local laws

Vary in size, operational structure, name:
Municipal Court, City Court, Town Court, Parish Court, Village Court

Features of Municipal Courts

Home rule vs. Statutory

Home Rule- have a lot of power to craft a personalized municipal court.

Statutory Towns- can still use the court to focus on local issues.

Specialized courts

Local Courts Help Solve Local Issues

The Role of Municipal Courts in Local Government²

Reflect local community values through:

- Laws uniquely crafted to address local quality of life
- Consequences imposed for law violations
- Reinforcement of local societal expectations

Opportunity to shape residents' view of local government

- Fair procedures³: impartial, respectful, participatory, understandable
- Efficient processes: In the context of high volume, direct customer interactions
- Accessible: multiple modalities for conducting court business where possible.

Geographically convenient – especially small & rural courts

The Role of Municipal Courts Nationally

- 14,000-16,000 limited jurisdiction courts in the U.S.
- Tens of thousands of municipal judges
- 66% of all incoming cases in state trial courts⁴
- Characterized by heavy public contact
- Help shape the public's impression of the judicial system as a whole

Key Municipal Court Processes

- Citation into court issued by law enforcement official (aka a "ticket")
- Pay ticket, if eligible, or attend First Appearance in Court
 - Advised of rights, processes, options
 - Pretrial conference with prosecutor
 - Plead guilty or set for trial
 - Request court-appointed attorney (depending on case type)
- Possible interim court appearances
- Trial (Judge or Jury, if available)
- Sentencing: penalty imposed if guilty plea or finding
- Appeal (rare)

Things to Keep in Mind When Jail is a Possibility

- Does your court tell a defendant about the right to an attorney? (on the Record AND in writing)
- Does your court have a process to appoint an attorney to all indigent defendants facing a jail sentence? Grant Program!

Equation:
Jail sentence possible + indigent defendant = Free attorney
- Are jail sentences proportionate to the crime AND does your judge make a record as to why record?
- If a defendant is arrested on municipal warrant the court must see the defendant in 2 days or the jail will release on a PR bond.
- Monetary Bail not an option for certain municipal ordinance violations.

Challenges⁵

- Pressure for revenue creation; focus on defendant financial compliance
- High-volume workload, dockets
- Customer service demands and self-represented litigants
- Judicial independence, expertise⁶, tenure
- Court staff independence, expertise
- Resources & court budget, especially for small or rural courts

Fairness, Justice, Trust

- Do the court clerks, prosecutor, police officers and judge have clearly defined roles?
- Judge works for the City, but isn't an extension of the police or prosecution.
- What processes do you have to make sure the integrity of the Court cannot be questioned?
 - I.e.: Formal motions to dismiss rather than officer asking clerk to dismiss in person.

Ex Parte Communication

It's about trust.

We want citizens to trust the process.

Okay: Judge, it's important to us as a City to address homeless issues. We have a committee to find solutions, will you join us?

Not okay: Judge, Can you please sentence Joe the homeless defendant to jail?

- Wait until AFTER case is all done to ask questions;
- Potential pitfall- Zoning-- high publicity -- Dog cases

Opportunities⁵

- Models of leadership, governance, professionalism⁷
- Emphasis on problem-solving
- Broad-based collaboration with city & community partners
- Incubators for innovation⁸; use of evidence-based approaches
- Visibly demonstrate the role of courts as the third branch of government



What to expect in the next legislative session:

1. Challenges to Outstanding Judgement Warrants
2. Bail Bond Reform
3. Other

Resources

- ¹http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts.aspx
- ²<https://vimeo.com/18021845>
- ³<http://www.amjudges.org/publications/courtrv/cr53-4/PJ-Bench-Card-Full-Final.pdf>
- ⁴https://www.ncsc.org/microsites/csp/home/other-pages/examining-the-work-of-state-courts/2012_ewsc.aspx

Resources, continued

- ⁵<https://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/courts-and-the-community/3-6-limited-jurisdiction-courts.aspx>
- ⁶<https://www.judges.org/> (National Judicial College)
- ⁷<https://www.courts.mo.gov/file.jsp?id=95287> (Best Practices)
- ⁸<https://www.courtinnovation.org/>
- namc@groups.io (Listserv for municipal judges)
- Colorado Municipal League Municipal Court Handbook. Available on www.cml.org.